

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Guy Pfalzgraff, Ed Sisson, and Robert Jurca, along with City Manager Joe Kerby and City Attorney Mike Schottelkotte. Councilmember Bill Seuell was absent. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

**Pledge of Allegiance**

The Mayor led everyone present in the Pledge of Allegiance.

**Changes to the Agenda**

There were none.

**Minutes**

City Manager Kerby noted that the Mayor Pro Tem led the pledge of allegiance at the December 7<sup>th</sup> meeting in the absence of Mayor Cooper.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the minutes of December 7, 2010, with the correction mentioned by the City Manager. All in favor, motion carried.

**Citizen Comments**

Mayor Cooper asked citizens who have comments concerning the medical marijuana question to make them now under Citizen Comments, since no public comment will be taken during the Council's medical marijuana discussion later in the meeting.

Comments in favor of not allowing medical marijuana dispensaries in the City of Delta were offered by Orville Proctor, Larry Proctor, and Gerald Roberts. Speaking in favor of allowing such dispensaries in the City was Cody Magasich of Natural Green Solutions, LLC.

**Tavern Liquor License Renewal: Sports Center Lounge**

The Clerk reported that the Tavern Liquor License for the Sports Center Lounge expires on January 3, 2011. On July 16, 2010, the State Licensing Authority issued an *Order to Show Cause and Notice of Hearing* alleging that the licensee permitted gambling to occur on the licensed premises in violation of State law. A subsequent agreement and order was signed by both the Director of the State Licensing Authority and representatives of Sewells, LLC, the owner of the lounge.

In the absence of Police Chief Robert Thomas, the City Manager reported that the Police Department has recommended approval of the renewal. He added that the Chief has visited with the Sewells about the situation, and that Sewells, LLC has paid a fine in lieu of temporary suspension of their license pursuant to their agreement with the State.

It was moved by Councilmember Sisson and seconded by Councilmember Pfalzgraff to approve the renewal of the Tavern Liquor License for Sewells, LLC dba Sports Center Lounge. All in favor, motion carried.

**Medical Marijuana Discussion**

Manager Kerby reviewed the history of the discussion of the medical marijuana issue, and noted that at the conclusion of the last discussion of the matter, Council had directed staff to bring the matter back in late December or early January.

Mr. Kerby explained that staff is looking for direction from Council as to whether or not they wish to submit to the voters the question of whether to "opt out" of the medical marijuana dispensary and grow operation legislation. If the decision is to NOT submit the issue to the voters, how does Council wish to proceed?

The City Attorney added that if Council should decide not to put the matter to a vote, he will need direction concerning what type of ordinance to draft. If they choose to "opt in" and allow

## **Regular Meeting, Delta City Council, December 21, 2010 (Cont.)**

### **Medical Marijuana Discussion (Cont.)**

medical marijuana dispensaries and grow operations in the City, Council will need to consider how to regulate those businesses.

After discussion, it was the consensus of Council to “opt out” by ordinance.

### **Cell Phone Policy Discussion**

The City Manager explained that since the cell phone policy currently in effect was not meeting the City’s needs, he asked Community Development Director Glen Black and Culture and Recreation Director Wilma Erven to work on drafting a new policy. The Department Heads have reviewed the draft policy and support its adoption by Council.

The draft policy features two options for City employees required by their position with the City to be available by cell phone. The first offers a cellular phone allowance to those using their own cell phones. The allowance is designed to offset the expense to the employee of using a personal phone for City business.

The second option is intended for those employees who will use a City-provided phone exclusively for City business, and for shared departmental phones.

A third feature of the proposed policy is guidelines for the use of cellular phones during working hours.

It was moved by Councilmember Sisson and seconded by Councilmember Jurca to approve draft 5 of the proposed cell phone policy dated December 21, 2010. All in favor, motion carried.

### **Council Bill #5, 2010; First Reading; 2010 Supplemental Appropriations**

#### **Council Bill #5, 2010**

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE  
VARIOUS FUNDS AND SPENDING AGENCIES IN THE  
AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW  
FOR THE CITY OF DELTA, COLORADO, FOR THE 2010  
BUDGET YEAR

was read by the Clerk.

City Manager Kerby explained that three supplemental appropriations are needed to balance the 2010 budget.

- A \$500 appropriation is needed to the Perpetual Care Fund to cover the cost of replacing vandalized vases at the cemetery
- A \$5,000 appropriation is needed to the Employee Dental Fund to cover the potential cost of dental claims for November and December
- A \$2,500,000 appropriation to the Capital Project Fund to account for bond issuance costs, and to fund the Debt Service Escrow requirement for the Truck Route Project

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to adopt Council Bill #5, 2010 on first reading. Roll call vote: Councilmembers Pfalzgraff, aye; Sisson, aye; Jurca, aye; and Cooper, aye. Motion carried.

### **City Attorney Comments**

The City Attorney mentioned that he would be out of town during the holidays.

### **City Manager Comments**

The City Manager reported on the following items:

- Roofing of the senior citizens’ and M L & P buildings has been completed. There have been a few problems at the recreation center relative to the contractor staying on the job;

## **Regular Meeting, Delta City Council, December 21, 2010 (Cont.)**

### **City Manager Comments (Cont)**

however, the contractor has been notified that if the project is not complete within seven days, the liquidated damages clause of the contract will be implemented.

- In the process of replacing the recreation center roof, a couple of ballasts for lighting in the weight room were damaged. The damage will be repaired at the contractor's expense.
- The Police Department's "Shop with a Cop" will be held on December 22. The Police Department has a donation of \$1,800 which will be used to take 15 to 20 kids to breakfast at McDonalds and shopping at Walmart.
- The results from the Attorney General's investigation of the officer-involved shooting should be available within the next couple of weeks.
- The RFP for replacing the power supply agreement which expires in 2012 has been sent out. The plan is to have a new agreement signed by April of 2011.
- Utilities Director Fay Mathews updated Council on the Transmission Line Project.
- Mr. Mathews is retiring December 31, and a retirement party will be held at the Elks at 5:00 p.m. on December 29. Fay will continue to work on a couple of projects for the City.
- Manager Kerby reported briefly on the Diffuser Project.
- The City Manager displayed a plaque received from *Toys for Tots* for the City's participation in the 2010 project.
- City offices will be closed on December 24 and December 31, 2010.

### **Councilmember Comments**

Council offered their congratulations to the Utilities Director on his retirement.

Mayor Cooper thanked the Culture and Recreation Director and her staff for the Christmas Party and noted that local activist Jean Lemon recently passed away.

The meeting was adjourned at 8:00 p.m.

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Mary Lynn Williams, Acting City Clerk